

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
JUAN PADILLA-MIRANDA,)
)
Defendant.)

8:06CR402

TRIAL ORDER

This matter is before the court on defendant's motion for a 60-day extension of the trial date [16] for the reason that "discovery is ongoing." This case does not appear to present any complicated matter and the defendant has not explained what "additional discovery material" is needed or why discovery could not have been timely completed. Nor has the defendant filed any waiver of speedy trial as required by the Local Rules of Practice¹ and the progression order entered in this case by Magistrate Judge Thalken. I also note that Judge Thalken recently denied the defendant's motion to extend the deadline for filing pretrial motions because the defendant did not file a waiver of speedy trial.

Because the defendant has not shown good cause for a continuance,

IT IS ORDERED:

1. Defendant's Motion to Continue Trial [16] is denied.
2. The above-entitled case is scheduled for a jury trial before the Honorable Laurie Smith Camp, District Court Judge, to begin **Tuesday, March 6, 2007 at 9:00 a.m.** in

¹**12.1 Motions to Continue Trial.**

(a) **Content of Motion.** Unless excused by the court in individual cases, a motion to continue the trial setting of a criminal case must state facts demonstrating that the ends of justice served by a continuance outweigh the best interest of the public and the defendant in a speedy trial, (see 18 U.S.C. § 3161(h)(8)), or that for some other reason, the continuance will not violate the Speedy Trial Act. Unless excused by the court in individual cases, if the defendant is a moving party the motion shall be accompanied by the defendant's affidavit or declaration (see 28 U.S.C. § 1746) stating that defendant:

- (1) Was advised by counsel of the reasons for seeking a continuance;
- (2) Understands that the time sought by the extension may be excluded from any calculation of time under the Speedy Trial Act, 18 U.S.C. § 3161 et seq.;
- (3) With this understanding and knowledge, agrees to the filing of the motion; and
- (4) Waives the right to a speedy trial.

Courtroom No. 2, Third Floor, Roman L. Hruska United States Courthouse, 111 South 18th Plaza, Omaha, Nebraska; because this is a criminal case, defendant(s) must be present in person. Counsel will receive more specific information regarding the order of trial from Judge Smith Camp's staff.

3. Counsel for the United States shall confer with defense counsel and, no later than **February 27, 2007**, advise the court of the anticipated length of trial.

DATED February 7, 2007.

BY THE COURT:

s/ F.A. Gossett
United States Magistrate Judge